

Serial No.: 10/528,098
Amendment and Response to Office Action
Reply to Office Action of April 21, 2006

Attorney Docket No.: 041281.00009

Amendments to the Drawings:

Attached is a new sheet of drawings which includes new Fig. 3.

Attachment: New Drawing Sheet (1 page)

REMARKS

Reconsideration of the above-identified patent application, as amended herein, is respectfully requested.

This Amendment is in response to the Office Action dated April 21, 2006. Claims 1-15 are pending in this application. Claims 8 and 13 are amended herein. Claims 14 and 15 are newly presented. Of the claims, only claims 1 and 13 are independent.

Specification & Abstract

The specification is amended herein to add reference to new Fig. 3 and to correct typographical and grammatical errors. An Abstract of the Disclosure is also presented herein. The Abstract of the Disclosure is taken from the front page of the published PCT application to which the present application claims priority. Accordingly, no new matter has been added.

Drawings

A new drawing sheet is submitted containing new Fig. 3. Fig. 3 is similar to Fig. 1. Fig. 3 shows the non-woven textile ply 1 as recited in claim 5. No new matter has been added.

Claim Rejections - 35 USC § 112

In the Office Action, claims 1, 3 and 8 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Regarding claim 1, the term "weight per unit area" is customarily used to characterize sheet-like or fabric-like materials. For example, a carpet may have a surface of 4 m² and a weight of 20 kg, which results in a weight per unit area of 5 kg/m². Note that Tanimoto et al. (US 3,616,164) uses this unit, for example, at column 3, lines 11-12 and column 5, lines 30-32. Regarding claim 3, the phrases "such as" and "in particular" have been removed. Regarding claim 8, the recitation of "the optional top coating" has been removed. It is respectfully submitted that the rejection under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claim Rejections - 35 USC § 102

In the Office Action, claim 13 has been rejected under 35 U.S.C. §102(b) as being anticipated by Yu (US 5,714,290). Claim 13 is amended herein to include the features of claim 1. Accordingly, it is respectfully submitted that claim 13 as amended is not anticipated or rendered unpatentable by the prior art of record. It is respectfully submitted that the rejection thereto be withdrawn.

Claim Rejections - 35 USC § 103

In the Office Action, claims 1, 2, 3, 4, 9 and 10 were rejected under 35 U.S.C. 103(a) as being obvious over De La Porte (US 5,164,241) in view of Vogt (US PGPub 2004/0168757).

Applicant respectfully submits that Vogt (US PGPub 2004/0168757) should be removed as a reference and that the rejection should therefore no longer apply. Vogt (US PGPub 2004/0168757) is owned by Habasit Ag, which is also the assignee of the subject application. Copies of the assignment for Vogt (US PGPub 2004/0168757) and the assignment for the subject application are enclosed.

De La Porte discloses a composite consisting of two plastic layers 8, which contain sandwiched between them a fabric layer 9. However, De La Porte does not disclose the material of the plastic layers as thermoplastic, as the Examiner held: The sole disclosure found in De La Porte (column 4, lines 56-59 states that the material of the layers 8 “consists of an elastomeric plastic, preferably rubber or PVC.”) The general teaching “elastomeric plastic” indicates that it is cross linked, therefore not thermoplastic. The same holds for the first example “rubber.” The second given example PVC may be elastomeric or thermoplastic; in view of the said general teaching the person of ordinary skill in the art would understand it again as the elastomeric variant. De La Porte does not address the problem of making his belt endless (he only mentions that the belt is “endless,” column 3, line 17 and 61). Making a belt with butt ends endless was the incentive of the subject invention to use thermoplastics with the specified creep resistance.

The remainder of the cited references do not disclose the use of thermoplastics with the required creep resistances as set forth in the subject claims 1 and 13.

Alex discloses thermoplastic polymers but is silent as to their creep resistance.

Tanimoto consistently uses rubbers or dispersions of rubber in water (=latexes) in the belt cover. Rubbers are normally not thermoplastic polymers. The adhesives contain a rubber component, which from the examples given (column 4, lines 1-24) are not thermoplastic, and contain a thermosetting component (column 4, lines 37-44). Tanimoto hints that the adhesive may be vulcanized (column 5, lines 18-23), which would be contrary to the purposes of the subject invention.

Tarnawskyj consistently uses “thermosetting” resins, which is the opposite of thermoplastic resins.

In his mats, Nords uses layers of rubber, which during manufacture of the mat, are vulcanized (e.g. claims 1 and 9; column 7, lines 43-49); and the therefore the layers in the mats are definitely not thermoplastic. Nord also discloses a “woven fabric article” and a conveyor belt as production aids for the manufacture of the mat, but these should be comprised of or coated by “materials which can withstand temperatures and pressures associated with vulcanization” (e.g. column 7, lines 50-54; column 8, lines 21-28; column 22, lines 64-68; column 23, lines 1-5). This rules out thermoplastics.

Accordingly, it is respectfully submitted that the Examiner has not met its initial burden of establishing obviousness and the rejection should be removed.

Conclusion

It is respectfully submitted that a full and complete response to the Office Action has been made. The claims are believed to be in condition for allowance. Early and favorable action

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is respectfully requested. If the Examiner has any further questions or concerns, the Examiner is invited to contact the Applicant's undersigned attorney/agent.

The Commissioner is hereby authorized to charge any fees due as a result of this Amendment & Response to Deposit Account 08-2442 of the undersigned.

Respectfully submitted,
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